### United States of America v. Tyreese D. Pugh

or...

Good enough for government work.

#### REASONABLE DOUBT

Reasonable doubt is a doubt based on reason and common sense. It may arise from the evidence, the lack of evidence, or the nature of the evidence. Possible doubts or doubts based purely on speculation are not reasonable doubts. Proof beyond a reasonable doubt means proof that is so convincing that you would not hesitate to rely and act on it in making the most important decisions in you own lives.

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# Credibility

ALL OR PART – It is up to you to decide if a witness' testimony was believable and how much weight you think it deserves. You free to believe everything that a witness said, or only part of it, or none at all.

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#### Things to Consider:

- Memory: accuracy, passage of time
- ➤ Interference with ability to perceive
- Appearance while testifying
- > Relationship to the Government
- Inconsistencies
- Character

### Stephanie Luster

- · Unable to remember specifics, so no one can check her story.
- · Leaves her children somewhere in GA.
- · Never questions anything about the trip.
- 3 stmts, no tape, 1 signed.
- · The "Lost" four days.

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- Withheld information from police on 5-3-02, 5 days to think before stmt of 5-8-02.
- · Hotel check-in ???
- Regular smoking of marijuana, stopped briefly.
- Loses Tyreese to rival Ra-Shay Patterson.
- Taken out of room before TP moved from bed – Wittach.

#### Shanell Holston

- · Question of Character
  - Is she an "honest person."
  - dis-hon-est (d's-%n"1st) adj. 1. Disposed to lie, cheat, defraud, or deceive. 2. Resulting from or marked by a lack of honesty. dis-hon"est-ty adv.
- · American Heritage Dictionary, 3rd Edition-Electronic

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#### Shanell Holston

- No money found in search of Wincanton house despite ongoing surveillance.
- Asked to bring clothes to Wincanton.
- Never mentions Tyreese regarding robbery.

# No Credibility

No Corroboration

No	Corrol	bora	tion	
Det.	Jame	s Ca	lhou	ın

Perfomance Evaluation of April 6, 2004: "Jim has the ability and knowledge to be a leader and superior investigator."

"Although, he usually completes his cases at a satisfactory level. I think he can perform at a higher level as he did with the missing adult more consistently."

"I hope he will in the future."

OR...Good enough for government work.

#### No Corroboration: Det. James Calhoun

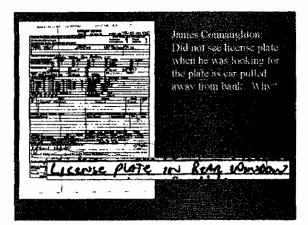
- Lead Investigator Case his responsibility
- Demeanor the only time he seemed to need help was testifying.
- · How did he get to the bank?
- Never attempts fingerprints on glove to ID third suspect/driver.
- Mystery Information Never Corrected: H.P.D. Teletype
  - 3 M/B Suspects w/ descriptions
  - Oldsmobile Cutlass Cierra
  - Loud Exhaust

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Filed 11/17/2005

- Does not remember what he said from one day to the next.
  - Disregard of Trotwood after search of Cadillac.
- · No attempted ID of guns by bank emp.
- No taped statements due to \$\$\$.
- · Left Bessie Pew car unattended.
- No lab testing of recovered glove portion.
- No follow up with Trotwood P.D. on stolen
  - Never learns of license plate in rear window.



#### No Corroboration: Det. James Calhoun

- . No use of Ga. Law enforcement to corroborate S. Luster.
- · Teaches report writing and importance of words. - Bessie Pew: "looks like" does not mean "it is"
- · No contact with S. Luster Ga. relatives.
- Never contacted S. Lusters in Ga where she left them.
- No corroboration of Travelodge, Videostore, or Business card contact.

No	Corrot	ora	tion:
Det.	Jame	s Ca	hour

- · No location of broken down Mazda.
- · No follow-up on Trotwood fingerprints.
- Waits over 3 years to run list of stolen cars.
- No one ID's T.P. as one of the robbers.

#### No Corroboration: Det. James Calhoun

- No follow-up on shoe-print, even though Det. Cifuentes had submitted shoe prints to MVRCL prior to 4-24-02.
- Never listened to BP car while running for loud muffler.
- · Incomplete Case Notes.
  - No record of contact w/ Travelodge.
  - No record of Mazda GPS contact.
  - No record of 5-3-02 interview w/ S. Luster.
- Never attempted I.D. of T.P. by bank employees after 5-3-02 arrest.

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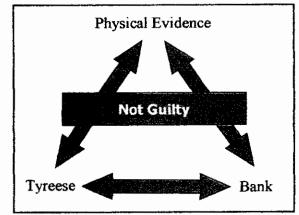
#### No Corroboration: Det. James Calhoun

- No attempt to get pay-phone records, b/c long, drawn-out process.
- · No follow up on long distance telephone records.
- · No follow up on cell phone records or ownership of recovered.
- Of 100 cars stolen 4-23 to 4-24 in Oh, Ky, and In., only one fit description of robbery suspects and close enough to be involved.

No Credibility No Corroboration **No Connection** 

### No Connection: Case Entirely Circumstantial

- · No ID of Tyreese as robber.
- · No money recovered.
- · No credible sighting of money.
- · No "robber" clothing.
- · No shoes of Tyreese consistent with shoe print.
- Only Stephanie Luster puts Tyreese in TN and
- Only Stephanie Luster puts Tyreese making any statement or action suggesting involvement and she contradicts Gov.t Exh. 4.1



#### Area of Reasonable Doubt

- Would you rely on Stephanie Luster in the most important of your daily affairs? No follow-up, follow-through, or diligence of Calhoun.
- No physical connection of Tyreese to this crime.
- Despite tape conversation with Shanell, no money recovered from Wincanton.

# A VERDICT OF NOT GUILTY INCLUDES:

- Based upon the evidence, we the Jury find that the defendant is absolutely 190% innocent.
- Based upon the evidence, we the Jury cannot be absolutely sure that the defendant is innocent.
- Based upon the evidence presented, we the jury are confident that the defendant is innocent.

# A VERDICT OF NOT GUILTY INCLUDES:

- Based upon the evidence presented, we the Jury believe that the defendant is probably innocent.
- Based upon the evidence presented, we the Jury are not really sure one way or the other if the defendant is guilty or innocent.
- Based upon the evidence, we the Jury believe it is more likely than not that the defendant is guilty.

# A VERDICT OF NOT GUILTY INCLUDES:

- Based upon the evidence presented, we the Jury believe that the defendant is probably guilty.
- We the Jury believe that the defendant is guilty but the evidence falls a little short and we cannot find that the defendant is guilty beyond a reasonable doubt.

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No Credibility	
No Corroboration	
No Connection	
Not Guilty	